

SENATE BILL 3394
By Herron

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13 and Title 39, Chapter 14, relative to
cellular telephone record privacy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-604(a), is amended by deleting subdivision (2) and by substituting instead the following new subdivision (2):

(2) "Communication" includes, but is not limited to, communications transmitted by voice, data, or image, including facsimile, as well as information that identifies characteristics of any such communication, including the telephone number called, the duration of the call, or other telephone records;

SECTION 2. Tennessee Code Annotated, Section 39-13-604(a), is amended by deleting subdivision (4) and by substituting instead the following new subdivision (4):

(4) "Disseminating," as used in this section and § 39-13-605, means playing, duplicating, or otherwise divulging a recording or other documentation of a communication in a manner other than authorized in this part; and

SECTION 3. Tennessee Code Annotated, Section 39-13-604(b)(1), is amended by deleting the language "records or disseminates" and by substituting instead the language "records, documents, or disseminates".

SECTION 4. Tennessee Code Annotated, Section 39-13-604(c), is amended by deleting subdivision (2) and by substituting instead the following new subdivisions (2) and (3):

(2) A violation of subsection (b) is a Class E felony if the defendant knowingly publishes, distributes, or otherwise disseminates to another the intercepted, recorded, or documented communication.

(3) A violation of subsection (b) is a Class D felony if the defendant knowingly publishes, distributes, or otherwise disseminates to another the intercepted, recorded, or documented communication for any type of monetary or non-monetary compensation.

SECTION 5. This act shall take effect July 1, 2006, the public welfare requiring it.